

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

MICHAEL A. KELLY,

Plaintiff,

v

MATTHEW MILLER, *et al.*,

Defendants.

Case No. 13-cv-15068

Honorable Thomas L. Ludington
Magistrate Judge Charles E. Binder

**ORDER ADOPTING REPORT AND RECOMMENDATION, GRANTING
PLAINTIFF'S MOTION TO DISMISS, AND DISMISSING THE
CASE WITH PREJUDICE**

On December 13, 2013, Plaintiff Michael Kelly filed a pro se petition for writ of mandamus seeking copies of documents in the possession of the Veterans Health Administration. ECF No. 1.

On January 2, 2014, Plaintiff filed a motion to dismiss the case because he had obtained a copy of the documents he was seeking. ECF No. 6.

On January 10, 2014, Magistrate Judge Charles E. Binder issued a report recommending that Plaintiff's motion to dismiss be granted and that the case be dismissed with prejudice. ECF No. 8.

Although the Magistrate Judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report, neither Plaintiff nor Defendants filed any objections. The election not to file objections to the Magistrate Judge's report releases the Court from its duty to independently review the record.

Thomas v. Arn, 474 U.S. 140, 149 (1985). The failure to file objections to the report and recommendation waives any further right to appeal.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation (ECF No. 8) is **ADOPTED**.

It is further **ORDERED** that Plaintiff's motion to dismiss (ECF No. 8) is **GRANTED**.

It is further **ORDERED** that the case is **DISMISSED WITH PREJUDICE**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: January 31, 2014

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon Michael A. Kelly, at 1205 Norman Street, Saginaw, MI 48601 by first class U.S. mail on January 31, 2014.

s/Tracy A. Jacobs
TRACY A. JACOBS